

Freetown Zoning Board of Appeals

Wednesday, May 17, 2017
Town Hall – Assonet, Mass.

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JB

Present: James Frates, Bradford Paiva, and Nicolas Velozo.

Absent: James Sarcia (associate) and Christopher Chapin (associate).

Call to order: James Frates called the meeting to order at 6:30 p.m.

Case #570 – Delta Realty, LLC – 52 County Road, East Freetown (Map 245, Lot 133)

Mr. Frates called the continued hearing to order at 6:32 p.m. A letter was read from the applicant requesting that the petition be withdrawn.

DISPOSITION: A motion was made by Mr. Velozo, seconded by Mr. Paiva, to allow the petitioner to withdraw without prejudice. The motion carried unanimously.

Case #571 – Aspen Properties Investments, LLC – 64 Howland Road, Assonet (Map 210, Lot 24)

Mr. Frates called the public hearing to order at 6:34 p.m. A motion was made by Mr. Velozo, seconded by Mr. Paiva, to waive the reading of the public hearing notice. The motion carried unanimously. Stevie Carvalho was present from Farland Corp., engineers, to represent the project. Mr. Velozo asked if the petitioner was present, but he was not.

Mr. Carvalho noted that this petition had been before the board previously, with the parcel lines slightly different, and had been withdrawn. The current proposal is roughly the same, with the non-conformity of frontage shifted to the existing dwelling and not the new lot. Mr. Frates recapped some of the previous discussion and asked what the petitioner is arguing his hardship is. Mr. Carvalho stated that the applicant's hardship is both the topography of the property and the expense of having to put a cul-de-sac in order to divide the property. The petitioner also feels that a roadway or cul-de-sac would be a detriment to the appearance of the neighborhood.

Mr. Frates asked how the existing dwelling at 64 Howland Road would be accessed, given the amount of ledge on Howland Road. Mr. Paiva asked for clarification of where the ledge is, as no ledge was shown on the plan. Mr. Carvalho understood that the town requires access through frontage and does not allow shared driveways. He speculated there may need to be some blasting or other way of penetrating the ledge.

Mr. Frates asked if any engineering had been one for a potential cul-de-sac, and Mr. Carvalho stated none had been done.

Mr. Paiva felt that putting in a cul-de-sac would make the project conforming and not require a variance. Mr. Carvalho agreed, but stated the applicant did not want to undertake the expense of doing so.

Discussion was held on the vacant lot at 66 Howland Road and the new ranch home at 68 Howland Road, and whether lot lines could shift at all. Both 66 and 68 have the minimum required 175 feet of frontage. A resident from 69 Howland Road also offered insight.

Mr. Paiva stated that as with the original application, he felt that the applicant purchased the property knowing what he was buying and what he could do with it. Mr. Frates felt that the applicant was still creating his own hardship.

Mr. Velozo noted that topography was being argued as a hardship, but there were no topo lines on the plans submitted. Mr. Carvalho stated that a revised plan could be prepared with topo lines, grades, and other relevant information.

Mr. Paiva reiterated that the town does not allow shared driveways. He asked that if a variance is granted, a stipulation be made that each lot must have its own driveway through its own frontage.

Mr. Velozo questioned whether blasting the ledge would really be cheaper than a cul-de-sac.

Mr. Carvalho stated he could ask the applicant if they wish to pay the costs of revised plans, or if they want to withdraw the petition.

Jim Young, 62 Howland Road, entered the meeting and asked questions regarding the driveways and the ledge. He felt accessing 64 Howland Road through the ledge would be difficult.

A motion was made by Mr. Velozo, seconded by Mr. Paiva, to continue the hearing to Wednesday, May 31st at 6:30 p.m. at the Town Hall. The motion carried unanimously.

Other Business Properly Before the Board

Board members acknowledged an application was received earlier in the day for a variance for property at Hilltop Park. The hearing was scheduled for Wednesday, June 28th at 6:30 p.m. at the Town Hall.

Minutes of Previous Meeting

Minutes of April 12th were received.

Meeting Adjourned

A motion was made by Mr. Paiva, seconded by Mr. Velozo, to adjourn the meeting at 7:09 p.m. The motion carried unanimously.

This is a True Record by me.

Attest: Michael T. McCue
Michael T. McCue, Senior Clerk